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**SPEECH**

OF

**MR. MERCER,**

IN REPLY TO

A MOTION OF MR. RIVES, OF VIRGINIA,

TO STRIKE FROM THE

**MILITARY APPROPRIATION BILL**

THE FOLLOWING CLAUSE :

“ For defraying the expenses incidental to examinations and surveys authorized by the act of 30th April, 1824, 30,000 dollars.”

Mr. MERCER said he had attentively listened, but with equal surprise and regret, to the extraordinary speech which had been pronounced, with much apparent premeditation, by his colleague, in support of his motion.

My surprise, however, said Mr. M. arises in a much greater degree from the respect which I entertained for the candor of my honorable friend, than from any novelty whatever in the character of his argument, if argument that may be called, which affords throughout such undeniable evidence of his irresistible prejudices both against the power, which the small appropriation that he proposes to strike from this bill, is designed to execute, and the persons to whom its execution will be confided.

As to the latter, I had hoped that a topic which has, of late, consumed so many mornings of our almost expired session, in unprofitable debate, might be confined to that period of the day, so as to allow some prospect of completing a part, at least, of that mass of unfinished business which has been heaped upon the tables of the two Houses by the preparatory labor of so many months.

To the many political creeds, disclaimers, and explanations, which have so remarkably distinguished the Nineteenth Congress, may I be indulged, Mr. Speaker, with adding one, before I proceed farther in this debate.

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While I differ, *toto cælo*, from my colleague, as to the facts and conclusions which he has so ingeniously pressed into the support of his motion, may I be allowed to say, that I have risen to mingle in this discussion, not as the champion or the apologist of any man, or combination of men ; but as the steady friend of a beneficent, if not essential power of the Federal Government.

While the Judiciary bill of the last session was depending, an honorable member from Maryland (Mr. DORSEY) insinuated that my opposition to it "squinted at hostility" to the existing Administration. Sir, I must sincerely rejoice, whatever may have been the origin of that measure, that I dealt to it its first, and, finally, its fatal blow. As, in what I am about to say, I might encounter an opposite suspicion, I shall be pardoned, I trust, for stating what is unquestionably true, that I have entered into no political union with either of the parties which have arisen in this House. I am not, and will not be, bound to support any Administration or any Opposition. The measures which I approve I will maintain ; those which my judgment condemns, I will resist to the utmost extent of my feeble power.

If I know myself, and I have had time enough, at least, to acquire even this difficult knowledge, I had rather pass the residue of a more than half spent life in the remotest obscurity, with some hermitage for my abode, and bread with water for my daily food, than surrender my feelings, my understanding, and my liberty of independent action, to the resentments, opinions, and interests, of either of those parties, whose existence is already too manifest to be unseen.

For many individuals of both, I cherish feelings of respect ; for some, sentiments of regard, which, I hope, are mutual ; towards none do I entertain the slightest personal enmity ; but, if the warfare which is begun is to be prosecuted, as has been threatened, to the exclusion of all neutrality, and this declaration of my fixed purpose shall rob me of the society and friends I now enjoy, I am prepared to add even this sacrifice to the many I have already been required to make on the altar of public and private duty.

To return to the depending motion : It offers for solution, the question, whether it be more expedient to leave to the President of the United States the application of the sum of thirty thousand dollars in aid of the labor and skill of the military corps of Topographical Engineers, placed by the Constitution under his immediate command,

to the survey of the routes of such roads and canals as he may deem of sufficient National importance to merit investigation; or direct that application ourselves? In terms more brief, we are called upon to decide whether the power involved in the expenditure of this inconsiderable sum, be Legislative or Executive.

If it has not been the sole end of the motion of my colleague to demonstrate that this power has been abused by the present Administration, and should, therefore, be withheld, so large a part of his speech has been devoted to this purpose, that, before I approach an inquiry into the nature of the power itself, I perceive the necessity of removing the numerous obstructions which he has thrown in my way. The materials of this ingenious labor, he has drawn from a recent report of the Department of War, which he has correctly traced to a resolution of the Committee on Roads and Canals. A resolution prompted by a view to the performance of some of the numerous duties imposed on that Committee, by the various and multiplied orders of the House.

The report in answer to this resolution has been thrown open, as was designed, to the view of the Committee, and by the order for its publication, at the instance of the Committee, to the House, and to the gentleman himself, the entire operations of the Board of Internal Improvement, and the impulses by which it has been guided, from its institution, in 1824, pursuant to the act of Congress which gave it birth, down to the present period.

It is upon the abuse of the power confided, by that act, to the President, that my colleague has founded the entire superstructure of his imposing, though, as I hope presently to show, very fanciful argument.

This power, he contends, has been wielded for the extension of Executive influence, and, therefore, directed where it could most effectively subserve that purpose. To propitiate the favor of particular States, or districts of country, with a view to sustain the friends and to put down the enemies of the present Administration; and, thereby, to prolong its existence, through another Presidential term. To multiply the proofs of this charge he has traversed the United States, in every direction, and inquired into the divisions of its political parties, and the personal attachments and connexions of the individual members of this House.

As the act of 1824 required that the surveys, which it authorized, should be made by order of the President, for



purposes of national importance, so he denies that any other surveys, except the two first of the list embraced in the report, which I hold in my hand, possess this character. [Here Mr. RIVES interposed, and explained his meaning to be, that these only rested on the authority of the President himself.] The gentleman is equally mistaken, in this respect. That properly—if it be of the least consequence to our present inquiry, whether this power has been abused, or how it should be exercised—belongs, in truth, to these particular surveys, not more exclusively than to the rest.

The Chesapeake and Ohio Canal Convention, consisting of Delegates from several States, which assembled in this City, in November, 1823, was referred to by the President, in the recommendation of his opening Message to the ensuing Congress, which gave rise to the act of April, 1824, and to the first appropriation to any survey whatever. Although it may shed much useful light, amidst the darkness in which the suspicions of my colleague have involved the exercise of this power, to refer, as the report on our table does, to the sources of the various applications addressed to the President, for the surveys which he has been pleased to order, those applications neither impaired the authority vested in him by the Constitution and laws of the United States, nor lessened his responsibility for its abuse, as the accusations of my colleague sufficiently demonstrate. Some facts, of no small moment to the support of these accusations, the dates of those applications, and the names of the persons from whom they proceeded, which this report *does* disclose, have been totally overlooked by the awakened jealousy of my colleague. Had he been animated by a different feeling, he would have perceived that the order for that survey, (the second in this list) which has attracted his bitterest reproaches, preceded the existence of the present Administration; and, being made by a former President, cannot be imputed to the motive to which he has ascribed it.

In ordering the survey of three distinct routes, “*with a view to selecting the most eligible ground on which to locate a national road*” between this City and New Orleans, neither the immediate predecessor of the present Chief Magistrate, nor the late Secretary of War, the present Vice President, could have intended to promote the reelection of Mr. Adams. One of these routes, unhappily passed, it seems, through the District which my colleague

represents, and which, I hope, he may long continue to represent, notwithstanding the very opposite opinions we entertain of the authority of this Government to construct this, or any other national highway. But, he has not only omitted to notice the date of the order for the survey of this road, but forgotten that it was a favorite measure of the late Administration, as a report from the late Secretary of War, very ably manifested.

And can the national character of this long contemplated road, be so doubtful, as to involve, in such unworthy suspicion, the order for its examination and survey? Are the most prominent events of the late War totally forgotten, like the orders and reports of the Department? Had New Orleans fallen before the invading foe, and that war been protracted, as was once expected, by a failure of the negotiation of Ghent, how many melancholy memorials might we have had of the value of a closer connexion than at present subsists, between this exposed outlet of the commerce of the West, and the Seat of that Government which the Constitution has charged with its military defence? Its safety must eminently depend, in any future war with the same maritime Power, as it did in the last, on the alacrity with which the forces destined for its protection can be concentrated, equipped, and supplied, as well as upon the valor and skill by which they are commanded.

This line of communication is now subject to numerous and therefore frequent suspensions, as well as constant delays. The ice of Winter, the freshes of Spring, the sudden rise of a river, or flood of a morass, the loss of a ferry boat, often occasion the total failure of a mail, as the circuitous length and wretched condition of the present road ever do a very great consumption of time; and, need I add, that the failure, or even the delay, of intelligence, for a few days, or, at some critical period, for a few hours only, may involve in its consequences the loss of an army, the total disappointment of the best meditated campaign, the protracted continuance of a disastrous war.

If this road be not national, there is not a national object within the scope of that power of this Government which, under the denomination of "an authority to make internal improvements," has been already denounced on this floor by my colleague. If a growing perception of its vital importance to the union and prosperity of the United States, has aroused the spirit of inquiry, and occasioned him any annoyance within his district, he must,

however, impute it to any other agent than this Administration, who were unquestionably, in this instance, anticipated in its exercise. If that survey which above all he has most loudly denounced, be the offspring of abused authority, this imputation rests upon the late President of the United States; and he is the more excusable, since he himself was suddenly called from the Department of State, by his predecessor, at the moment when the exposed frontier of Louisiana was threatened with invasion, to the head of the Department of War, and required, at a time of awful uncertainty, calamity, and distress, by exertions\* that ultimately overcame his strength, and endangered his life, to hasten the preparation and union of those very forces which, under their intrepid commander, and the favor of Heaven, preserved the city of New Orleans, its wealth and population, from meditated havoc, spoil, and ruin.

Having, I trust, successfully vindicated the most obnoxious exercise of this much questioned power, I forbear to travel over the various surveys enumerated in this report, with a view to their separate vindication. I will substitute for a defence of each, knowing them all to be defensible, a defiance to my honorable colleague to adduce a solitary one that does not possess a character sufficiently national to warrant the attention which it has received.

But lest, after this challenge, I shall seem to shrink from the wordy combat I have invited, I will advert to those which he *has* adduced to sustain his broad accusation. To proceed to the most questionable of them all. With regard to that which has called forth a brief notice from another of my colleagues, (Mr. TALIAFERRO)—who least of all deserved the allusion which has been made to him, since, like the gentleman himself, he is, on this subject, of the orthodox faith, though of what party, if he has joined the ranks of any, I know not—I may be allowed to bear some additional testimony.

The examination of the country between the Rappahannoc and the river stretching before us, with a view to their connexion by a canal, is imputed, it seems, to a desire, common to two members of the cabinet, to favor the re-election of my amiable colleague, sitting on my left,

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\* To those exertions, General JACKSON made a generous allusion, at a public dinner given him at Lynchburg, immediately after the close of the war.



(Mr. TALIAFERRO) because, says the gentleman who makes the suggestion, "he never heard of such a project until it was set on foot by the present Secretary of War."

Sir, I may be supposed to know this country well, since I am a native of the chief town on the banks of one of those rivers. As far back as my attention could be drawn to such a topic, and ever since, I have heard that it would be an easy undertaking to unite them by a canal extending from the head of the navigation of one of them, across the narrow intervening ridge.

Seeing that an examination for this purpose had attracted the attention of the Department of War, and not perceiving opposite to the description of it, in this report, any notice by which I could trace its immediate origin, I inquired personally of the Secretary of the Department for information. He replied to me, that this was, in truth, the only survey, of all that are included in this report, which rested solely on his own suggestion. That having long heard the opinion expressed, that the waters of those rivers could be united, by a thorough cut across the Peninsula which divides them, he took occasion, during an open season of the last Winter, to order out an Engineer, then unemployed in Washington, on an excursion of a few days, to examine into the truth of this current belief. The result, to my regret, he informed me, was, that such a connexion would be impracticable, from the elevation and breadth of the narrowest part of the intervening ridge. Such was the origin and end of the survey, so darkly colored by my colleague. But is this survey destitute of any other apology than that which I have recited? Among the three routes, which, as I have stated, the predecessor of the present Chief Magistrate had ordered to be surveyed, with a view to establish a more intimate connexion between the Seat of Government and the City of New Orleans, was that, which, keeping near to the seaboard, was called the Eastern, and from its connecting the capitals of several Atlantic States, the Metropolitan. Although only one of these routes may be hereafter adopted, for the leading purpose which caused an examination of them all, yet, until a choice between them founded on a comparison of their respective advantages, be actually made, their importance rests on the same national basis.

And, if the Metropolitan route, from this City to New-Orleans, be assumed to be national; that part of it between Washington and Richmond, or Fredericksburg,

partakes of its common quality. A survey, calculated to ascertain the practicability of extending a canal along a part of this route, would seem, therefore, to require no further apology.

But, my colleague cannot have forgot, that, in that war, in which we together served, I am sure with kindred feelings, while we had the mortification to behold the Chesapeake, that noble estuary of so many rivers, hermetically sealed up by the ships of the enemy, the produce of the whole Southern seaboard, the cotton of the Carolinas and Georgia, the salt of Princess Ann, as well as the tobacco of his own district, with the prize goods of Beaufort, the coffee and sugar of the West Indies, proceeded Northwardly to their destined markets of consumption by this very line of transportation, as did, also, the troops which the enlistments of the South supplied to the Army on the Canadian Frontier.

Sir, by the recollection of some other of the incidents of the same interesting period, I am prompted here to notice what properly belongs to another part of my argument, that we have been led away in this discussion by the mention made, in the clause proposed to be stricken from this bill, of the act of Congress of 1824, the first which expressly gave a legislative sanction to these surveys, from due consideration of one of their legitimate foundations. The history of the origin of that act, is also fresh in my recollection. I did not vote against its passage, but I openly regretted its introduction. For the public manifestation of this sentiment, I received the mild reproof—he was incapable of any other—of my amiable friend from Pennsylvania, then the Chairman of the Committee of Roads and Canals, where, I wish, he had remained. The bill was got up, mainly, for the sake of the extended discussion which followed it, but received the support of one member, at least, of the Senate, and of several members of this House, for reasons which the act does not disclose.

The power of the President to employ the corps of Topographical Engineers, in obtaining correct information respecting the entire surface of the United States, in delineating it on suitable maps, and preserving it for military use, no rational man, of the slightest military experience, can very well question.

Need I remind my colleague, who possessed a reputation at home which preceded his arrival here, and occupied, at the period to which I have referred, an honora-



ble station in the military family of one of the most meritorious of these officers, whom the proclamation of the present Secretary of War, then Governor of Virginia, gathered below Richmond for its defence, that, among the earliest general orders issued on that occasion, was one which required the detail of all the practical surveyors of the several corps which composed an army of twelve thousand men, and placed them under the command of a gentleman, now a Senator of the United States, for the purpose of collecting exact intelligence respecting the country which we had volunteered to defend? That while no other means of intelligence were neglected, these were eminently relied on, as they had been at Norfolk, in the commencement of the war, to obtain an accurate knowledge of the ground over which, in the various lines of practicable approach, an enemy might, after disembarking, move upon the capital of the State.

There are military maps which I have seen, of Holland, so often the cock pit of Europe, which, on a scale progressively enlarging, from the first through the subsequent pages of a moderate sized duodecimo volume, exhibit the entire country, with every prominent object upon its surface, its land and water, roads and canals, woods, morasses, fields, enclosures, and edifices, to the eye of a commander, who, thus furnished, and having a knowledge of his enemy's strength and his own, plans the operations of his future campaign; establishes his magazines and military depots; distributes his forces; opens or improves the necessary communications between them; and provides, in anticipation, for all the possible contingencies of victory or defeat.

So far, at least, the right of acquiring and using this knowledge of a country, must ever attend upon that military authority charged with its defence; accompany its armies, or precede their march; and is Executive, not Legislative. Its exercise is not exclusively confined to a state of war, but extends to the preparation for it. It belongs to the power of declaring its existence, and constitutes one of the most efficient means of guarding against its calamities.

My colleague has enlivened his ingenious argument, by humor, and I had much rather exchange with him smiles than reproaches. He asks, if I ever heard of the canals of Androscoggin, or Kennebec; and appealing to the local character of these objects, to justify the charge of political intrigue, founded on their reported examination, he

good-naturedly reminds me, as I recently did the House, in some preliminary discussion of the Woollens Bill, that I had once founded a charge of ignorance against a Chairman of the Committee on Manufactures, because he had never heard of Cardiff, in Wales; a charge, to which my honorable friend seems to think I shall myself plead guilty on the present occasion.

I thank him, notwithstanding, for this allusion, and the more, as justice was not done me, recently, when absent from my seat, by another reference of a gentleman from Pennsylvania, to the same occurrence.

The truth was, that I held in my hand, during a debate upon the former tariff, a printed price current, from the town of Cardiff, giving me, what the House, till then, had not derived from any other source—the price of British iron at what is now a Welsh seaport, but which I truly told the House was connected, by a canal of five and twenty miles, with the extensive iron works of Merthy's Tidvil, constituting, with those of the Carron, in Scotland, and of Colebrook Dale, in England, the largest in the British dominions. The facts disclosed by my price current bore hard upon some of the conclusions of the learned chairman, respecting his iron tax, and he not only questioned my authority, but flatly denied the existence of any such place as Cardiff. What could I do, but stand by my price current; and, appealing to the remote history of an unfortunate heir to the British throne, I succeeded, if not to the full extent of my wishes, in convincing the House of the existence of an ancient castle of that name, if not of the maritime town of more recent date. Perhaps, in the caution to the House, which I lately sought to deduce from this fact, against precipitate legislation on a second tariff, I should have done the justice I now proceed to render, to the absent and worthy chairman, by stating how he repelled the charge of ignorance, by insisting that "a man might be a very good hunter although he did not know the name of every dog in his pack." The majority of the House were more amused at the wit of this rebuke of my temerity, than my colleague, myself, or our constituents, who have had since to pay the tax which the learned chairman thus labored, and successfully too, to impose on us.

But although candor obliges me to acknowledge that I have not, till very recently, known Androscoggin by name, as well as I had long done the chief town of Glamorganshire and its ancient castle, I mean not to avoid his

conclusion, by questioning its existence ; and I am somewhat better acquainted with Kennebec than my colleague appears to be : for which reason I undertake to advise him, when he next reviews the history of his own country, and before he repeats the accusation he has just made, to note, that, by this river, forming, as it does, the shortest line of connexion through the United States, between the Atlantic and St. Lawrence, Arnold, before he became a traitor, penetrated to Quebec, where an accident, in the moment of victory, prevented the extinction of the British power on this continent.

For more recent information of the importance of this river, and of the canals connected with its navigation, I beg leave to refer my colleague to a report of the United States' Engineers, which preceded those political intrigues that he has so fancifully conjured up in the State of Maine. Above all, allow me to apprise him, that, if he had indulged a temper less suspicious, and extended his inquiries beyond the surface over which these surveys were made, the names of which have so greatly disturbed him, he would never have arrived at the most extraordinary of all his conclusions, that the Senator of Maine, to whom he has referred, conspired with his colleague in the other House, and very nearly all its representatives in this, to expel, or to use a cant word, to engineer *himself* from office. For, it was at the instance of this very Senator, that this much abused, but innocent survey, was ordered to be made, after a recommendation of the Board of Engineers.

As to the contemplated canals, in immediate connexion with it, their titles will be found to be their only fault. They constitute, with that of the Kennebec, one of the best rivers of the East, and of the Connecticut, which surpasses it only in length, both rising near the Canadian border, lines of inland navigation, designed to unite those rivers with the great canal of New York, the Hudson, and the St. Lawrence.

Although these surveys, where their origin is regarded, positively contradict the charge of my colleague, they all unite in demonstrating what I have ever believed, that no presumption is more groundless than that which sometimes reaches us from another quarter ; and is, itself, founded on the roads and canals already made in New England ; that this quarter of the Union furnishes no object of general importance, that needs or can receive from the national resources the means of improvement.



Let the People of those States but compare their natural advantages, and the present improvement of them by artificial roads and canals, with those of England and Holland, and they cannot long remain in this error.

The honorable member from Pennsylvania, (Mr. BUCHANAN) who has just addressed the House in opposition to the motion of my colleague, saves me the trouble of acquitting the power I am sustaining, of abuse within *his* State.

To the accusation founded on its exercise in the adjacent State of Maryland, in determining the best route for a road from the seat of Government to the frontier harbor of Buffalo, on Lake Erie, and the Western termination of the canal of New York, the same reply may be made as to the charge founded on its operation in Maine.

The immediate author of the resolution of the last session of Congress, in relation to this subject, who is still a member of this House from an adjacent district of Maryland, (Mr. PETER) would be as little disposed as the gentleman from Pennsylvania, who has just addressed the House, or my colleague himself, to effect, by the exercise of this or any other power, the political purpose to which my colleague has unwarrantably imputed the suggestion of this road—a road of much easier execution, and scarcely less important in its consequences to the military operations of the United States, in a war with that nation, from the vicinity of whose possessions, as well as the peculiar character of its power, we have most reason to apprehend future danger, than the contemplated road to New Orleans.

But whatever be the real value of the end proposed by this particular survey, its notorious origin affords conclusive evidence of the strength of those prejudices which have charged it to a motive so inconsistent with the feelings and wishes of its prime mover.

Of like character are those prepossessions of my colleague, which have distorted the origin of two other surveys, referred to in this report—the survey recently begun, and accomplished but in part, of the line of a canal or rail-way, to connect the navigable waters of the James and Kenawha rivers, and of the route of an extension of the Cumberland road, to the tide of the Potomac, within this District.

In one particular, militating strongly against the views of my colleague, these objects have some resemblance to justify my joint allusion to them, that the aid of this

Government, to both, had been solemnly invited by the General Assembly of Virginia : but they merit, in other respects, and shall receive, distinct and appropriate notices.

As the suspicions of the honorable member, here, come nearer home, and impinge on myself, as well as upon several of our colleagues, through whose districts these surveys have extended, I shall be pardoned, I trust, for any seeming egotism, in freely using my own testimony, in this court of conscience, for our common vindication. Along with it, is involved, indeed, that of some thirty or forty members of this House, who concurred in our request for these surveys, some of whom are of opposite parties, and some of whom I trust will be content to follow, as I shall, the banner of the Constitution, which excludes us, except in one contingency, (would it had effectually done so !) from any participation in the choice of a President ; which has endued us with a power that cannot be exalted, is of paramount authority with the Executive, and acknowledges no earthly superior, but the American People, to whose will it imparts the solemn force of law.

I will not presume to vindicate the motives of those gentlemen who united in our request to the Executive, to cause a survey and estimate to be made of a rail way, or canal, calculated to connect those rivers of Virginia which are open to the navigation of the American People, and are alike central and important to the whole Union ; but I will vindicate my own.

Fifteen years ago, I was deputed a Commissioner to survey those rivers, by that Commonwealth to which I shall ever be proud of my allegiance, as I am gratified by the recollection, that I hazarded my life in performing this duty, as I descended one of them in the first boat that it ever bore upon its rough and dangerous current. This voyage suggested those resolutions to create a fund for Internal Improvement, and a Board of Public Works, which were first submitted to the General Assembly, in 1812 ; were suspended by the war, and afterwards renewed and adopted in 1816.

Coeval with the earliest of these periods, a gentleman, recently within the sound of my voice, and intimately acquainted with their history, though never a member of any Legislative body, well knows that we concurred in opinion, that the river Greenbrier, a branch of the Kenawha, could be conducted from a high level across the Al-

leghany, so as to supply a navigable canal between the waters of the James and Kenawha rivers. That this object was of national importance, and merited the aid of the Federal Government, the Board of Public Works unanimously conceived at their first meeting, in 1816, when, united on the same Committee of that body, with one of the present Senators of Virginia, I had the honor to prepare the annual report which the Governor of the Commonwealth, as President of the Board, submitted, early in the ensuing session, to the General Assembly.

In the close of that session, or on the 22d of February, 1816, the General Assembly invited the aid of the United States to this national object, by a joint resolution. And that this sense of its important character was neither new, nor suddenly acquiesced in, is evidenced not only by the long antecedent report of the Board of Public Works; but by the adoption of a similar resolution by the House of Delegates, at the preceding session of the General Assembly. In these proceedings, it was asserted, and especially in the Report of the Board, that the character of this public work gave to the Commonwealth of Virginia a right to call upon her sister States of Kentucky and Ohio, and upon the Federal Government, to aid its construction. The compact with the People of Ohio, in 1802, by which that State was admitted into the Union—the work of a distinguished statesman, now the Chief Magistrate of Virginia—not only maintains this doctrine, then common to the South, as well as the West; but provides for its application, not to the Potomac alone, but to all the other rivers of the Atlantic, which admit of an union with the Ohio, by a turnpike, or other road, leading towards that State; and no sound construction, which admits such a power to be legitimate or national, can exclude from its operation, the substitution, where practicable, of a canal, for a less perfect communication.

Next, as to the other object, which the resolutions of Virginia, and the Report of her Board of Public Works affiliated, to that which, I now trust, I have satisfactorily disposed of, the Eastern extension of the Cumberland road to the navigable waters of the Potomac. It was well known, when this road was about to be commenced, that Mr. Jefferson, in whose administration it originated, thought it should begin at the Seat of Government, and, passing nearly due West, strike the Ohio at the mouth of the Muskingum. To the then Secretary of the Treasury, who recommended a more Northern route, and to a dis-



tinguished Senator of a State which held a large reservation of lands in the Northwestern corner of Ohio, the route from Cumberland, which this road ultimately took, may be ascribed. But this history, since the extension of this road to the West, across the Ohio, far from limiting its Eastern termination to its present boundary, manifestly sustains the authority for continuing it to the Seat of the American Government. And, if a doubt on this subject remained, it would be removed by the fact, which the requested survey has disclosed, that, by such a continuation, twenty miles in one hundred and thirty-five may be saved of that distance which now separates the Western border of this Union from the seat of its common Government, the mainspring of its defensive power.

Both these surveys then have a prior origin to that which my colleague has imputed them ; and both were designed for national, not local purposes. Their origin in the request of so many members of this House, should have excluded the unwarrantable charge to which they have given birth. Their result, however, I cannot pass by. That of the last, I have just disclosed ; that of the other, though not yet complete, has manifested, I have been rejoiced to learn, that my early belief was well founded—that the Greenbrier river can be conducted, in sufficient volume, to the East of the Alleghany, to mingle its waters, for the purposes of navigation, with those of the James river ; thus opening far South, where Winter will not long impede its annual use, one other channel to those already discovered, and too many cannot exist, for a commercial intercourse between the Atlantic and Western States, calculated to advance their common prosperity in peace ; to secure their common safety in war ; and to perpetuate, forever, may we not confidently hope, their friendly union.

When I first sat out in my humble career of public life, I early devoted to these objects, Mr. Speaker, with much unassisted labor, the little talent which nature had given me. It will not over-step the bounds of modesty, I trust, to say, that, in the path I have since pursued, I have been frequently overtaken, easily passed, sometimes crossed in my journey, by those who have occasionally travelled with me. One consolation I have, that, in looking back, I perceive that this course, though much impeded, and, therefore, laborious, has never deviated from the even line I first proposed to follow. To others, without repining, I leave the enjoyment of the higher honor which attends

success ; and may their secret recollections prove alike soothing to their peace.

The honorable member who has just addressed you, among the many topics which he has interwoven in a debate in which he certainly could not expect to pass unanswered, has honored me with special regard, and has also resorted to the much hackneyed theme of the Alien and Sedition Laws ; not, I presume, because they came within the scope of his own experience. But they did, Sir, on mine, and I am glad that I have a witness, high in station, at the other end of this Capitol, and one on the bench of the Supreme Court of the native State of my colleague and myself, who can prove that, though not arrived at an age to which political consistency could require man to trace back my political opinions, I was decidedly and zealously opposed to both those measures, as my colleague would doubtless have been, had his age permitted him to judge of them ; to the first, as unnecessary and inexpedient ; to the last as alike unconstitutional. Their connexion with the present topic of discussion, can have, indeed, but one object—a purpose which has so evidently pervaded the entire argument of my colleague, as to defeat, I trust, its injurious tendency.

I have already said, sir, that I follow no man's reputation, and mean to contend under no man's political banner. I am no apologist for the President of the United States, and have the honor of no other personal or confidential intercourse with him, than my colleague has. But a power, so important to the common defence and general welfare of the United States, shall not, with my privacy and consent, be assailed through a demerit unjustly imputed to the Chief Magistrate of my country ; and I confidently trust, that, in this instance, I have demonstrated that the authority which he has exercised, in virtue of the former appropriations, to the subject of our present debate, has not been hitherto abused.

Is it likely to be hereafter misapplied ? To render this more probable, my colleague has swelled its magnitude beyond all imaginable bounds. What is or has been its extent ? In 1824, 30,000 dollars ; in 1825, 50,000 dollars ; in 1826, 30,000 dollars, comprehending an unexpended balance of the preceding year, and it was proposed to appropriate 30,000 dollars more.

With a fancy truly poetical, my colleague tells us that the power of applying these sums has an influence, not limited by their nominal amount, but co-extensive with the

unfounded expectations to which their employment may possibly give rise.

His history of their past effect, I have carefully reviewed; and, if the future may be judged by the past, I have, I trust, allayed all cause of apprehension, except that which exists in the wonder-working imagination of my colleague. I possess no supernatural spell to bind his prolific fancy, and reason impotently shrinks from such an effort. The few thousands which we are about to appropriate, are turned by my colleague into thrice as many millions, with a power of combination more gigantic and terrific than that by which Falstaff multiplied his men in buckram, amidst the obscurity of night.

Sir, I am transported at the thought of so much wealth. Would I could command its use. Instead of being startled at the exaggerated estimate by the United States' Engineers, of the probable cost of that Canal, which so many of us have hitherto assiduously labored, but, as yet, in vain, to commence, I would immediately execute it. The mountains should bow to my decree. I would not only repeople Africa with her long lost descendants, but America, in return, with the fairer progeny of Europe.

If the Administration can, from such a source, derive so vast a power, it is not only learned in human wisdom, but must absolutely deal in magic. And yet it is most strange, though my colleague tells us so, and we cannot doubt it, that, of the 30,000 dollars appropriated at our last session, in aid of this potent engine of Executive influence, 19,000 dollars remain untouched. Pursuing his estimate, how many millions might not this unexpended balance have yielded to men so highly gifted, so greedy of power, and so hard pressed to yield it up. Sir, this testimony of my colleague does not harmonize with the workings of his fancy. It overturns his whole superstructure. Has this Administration, however unquietly seated, been too busily occupied to overlook this potent advantage, or has it needed the fruitful invention of my colleague to discover and apply it? If so, our past escape is now no pledge of our future safety, and we shall do well to guard against approaching danger. But, to be serious, Sir, the end of every survey, when complete, and followed by an estimate, is to procure information to guide our future legislation. The appropriation of those millions, presupposes the settlement of many preliminary questions. Is a canal practicable? Have we authority and means to make it?



How shall they be exerted? These inquiries precede, and must be favorably answered, before we are called on to give one dollar to its construction. To acquire the knowledge essential to any discreet decision upon these various questions, we employ the Executive power, as on a thousand other similar occasions.

We appropriated the public money first, without any specification but of the annual sum, to permanent fortifications. Those fortifications have been designated in pursuance of the unobstructed discretion of the Executive, aided by repeated examinations, surveys, and estimates, requiring the employment of the Navy, and of the Corps of Engineers, placed by the Constitution under the command of the President. Those designations have been subsequently confirmed, and even appropriations to the structure of those fortifications are now specific, as they will be, and have been, to those roads and canals that we aid or construct by the public resources. If false hopes have been excited by the surveys already made, they are unavoidable, by legislative enactments. You must know your country before you can improve it, or even resolve to do so. That knowledge is often necessary to determine the character of a public work: as whether it be practicable or not; if practicable, National. The canal of the Dismal Swamp is both practicable and National, and, as such, has received the necessary aid of this Government. But its national character rests, in a great degree, on the ascertained practicability of extending the line of inland navigation, of which it is but a small part, to the North, by canals, uniting the Delaware, the Chesapeake, and the Raritan; to the South, by the Sound of North Carolina, or the junction of the rivers emptying into it, with the harbors of Beaufort and of Charleston. Each of those objects derive from the rest, its relative importance, as one link of an entire chain. Such, also, is the character of the contemplated canals of New England.

The specification, by this House, of every line of canal to be executed, will be founded on ample information. A specification of each prior survey, must be founded on conjectures, and rest on unknown contingencies, sometimes incapable of being foreseen, and provided for. To say nothing of the waste of money, and of time, more precious on such topics, in so large an assembly as this; reasoning, in the dark, to fix, with any precision, what an actual survey can alone disclose; who can assign limits to the number of those ways, to which a spirit of mutual conces-

sion, in such a state of uncertainty, as to material facts, might give birth? Instead of contracting the range of illusory hopes among the interests to be gratified, how greatly would they be multiplied? Instead of counterbalancing Executive patronage by Executive responsibility, the former would be eventually augmented to an indefinite extent, and almost entirely without restraint. For, such restraints, as a rigorous prescription of the order and manner of those surveys might impose, would lead to the most pernicious waste of the public money, and of the time of the Engineers in carrying them into effect, or discontinuing such as were found, on the first examination, or in the early stage of a subsequent survey, to lead to no practical or useful result. This power is, in truth, in its nature discretionary; and the real question involved in this debate, will be found in the compass of a nut shell. Very little science, and less experience, will open, and conclusively settle it. Every survey and preparatory estimate for a canal—and the same remarks apply with equal force to railways, and, with somewhat less, to roads—supposes several stages in its progress to maturity. The first consists of a simple and general examination of the country over which a road or canal is to be conducted. Next, if such examination warrant farther inquiry, the distances and levels are taken, and the streams gauged, on which a reliance is had for a sufficient supply of water. If these inquiries still promise a useful termination to this labor, the line of the canal is exactly traced on the ground over which it passes; the various resources of the country which it crosses or unites ascertained; a probable estimate of its cost laboriously supplied by reference to its plan; ~~a scientific calculation of quantities, and reference to the~~ prices of labor and materials in the country through which the canal is to pass. Finally, the legislating is last. From all these considerations, combined with a knowledge of the present, and an anticipation of the future state of the public resources, to determine the extent and nature of the pecuniary or other aid which it will be expedient to afford to such a work.

I contend, sir, that all the offices, preceding the last, are properly Executive, and not Legislative. My colleague would have it otherwise. He would bind down the Executive discretion, by prescribing each survey. He objects to the multitude of routes examined for each, to the influence which their number diffuses over his neighbors and constituents. He proves, he imagines,

all this to be unnecessary, and easily avoided by a triumphant allusion to the unanimity with which this House sanctioned the survey requested by my friend from Florida, of the canal across the peninsula of that Territory. Without entering into an examination of the latent causes of that unanimity, which I rejoiced to witness, as much as any Member of this House, except my friend from Florida, to whose intelligence and zeal it was partly attributable, I close in with the reference to this very canal, in order to illustrate the position I have hitherto maintained in this debate, and to repel those assumed so confidently by my colleague.

First, for his main purpose, let us see how this unanimous decision has restrained the influence of the Executive power over this subject. Florida is but a Territory. It has a Delegate, only, on this floor, empowered to speak, but not to vote. Suppose this Territory were admitted into the Union, were peopled in proportion to its great extent, and divided, as Virginia, into many Congressional districts: Will my colleague inform me how many of these districts might be affected, as he tells us his has been, by the manner of executing this limited power, as he deems it, of surveying the line of a canal across this peninsula, having a length of six degrees, and a breadth of two, with an extent in square miles exceeding that of New York, and little short of that of the largest State of this Union; all of which, except a narrow strip of land between the river of St. Mark's and Pensacola, has been, and most wisely too, left open to this survey, and to the very abuse of the much dreaded power which it involves? Such is my colleague's boasted limit of Executive discretion. Would, Sir, we may prove alike discreet in fixing our naval station on a part of that coast. The lives we have lost, and the sums we have wasted, at Key West, cannot now be recalled; but, if report speaks truly, and I hold the Executive bound to investigate its truth, without any instruction or request from us, the Bay of St. Joseph's should be thoroughly examined, before we expend another dollar, either at Pensacola or on Thompson's Island. As the corps of United States' Engineers have told us, what, for fifteen years, I have otherwise sought, in vain, to learn, that the James and Kenawha rivers may be connected by the Greenbrier, so a better harbor than that which Spain supposed she had not neglected at Tampa Bay, or that which she improved at Pensacola, may yet be found on this important coast.



For all the purposes proposed by my colleague, I have shown that the limitation of Executive discretion, by the Florida resolution, is as strict as if the resolve had been to survey the line of a canal, without a beginning or a termination, through the territory of Virginia, except that, from the nature of the commercial purpose which it has in view, the survey must run from some point on the Eastern to some point on the Western border of the State.

I am far from blaming the House for allowing this considerate latitude; since neither the House itself, nor any member in it, without excepting my friend from Florida, did or does now know, where this canal should begin, what shall be its course, where it shall terminate, or whether it be practicable at all, or within any reasonable cost. How many lines must be surveyed, how great their length, or how far apart, no one knows or can very confidently conjecture: for, first of all, its beginning, if on the Atlantic, must be in water of sufficient depth to enter it from sea; and its termination, on the other side of the Peninsula, must be in water deep enough to permit a vessel to get out again into the Gulf of Mexico; and if it shall really serve, as has been suggested, to form the channel of the India trade, in vessels which are afterwards to cross the Isthmus of Darien, as they must pass the broad Pacific, after traversing the more boisterous Atlantic, the canal should be, like the Caledonian, in Scotland, or that of Holstein, in Denmark, large enough for vessels of deep draught and great capacity; or the longer voyage by the Cape of Good Hope, verifying the old adage, will still be the more expedient, because by much the cheaper.

But having the entrance and the exit of this canal determined, I will so far play the prophet, as to predict that no open cut across the Peninsula will ever be resorted to, for the purpose of connecting them; and, if united at all, it will be effected by one or more feeders conducted to a summit level, and by looking down from its two extremes. The utility, therefore, of this survey which has been ordered, if this anticipation be confirmed, will depend on conducting, in this arid climate, the waters of its rivers to a considerable distance in one or more canals, of greater or less elevation, above the tide; and if there be no such adequate store of water for the summit level and the necessary lockage, that defect alone should arrest the survey, which may otherwise cost thrice the sum we appropriate, besides very many valuable lives, and end at last abortively.

I might not, perhaps, oppose another obstacle, and, I trust, none is necessary to my colleague's motion, by reminding the House, that, if the act referred to in the clause which he proposes to strike out, be yet in force, we cannot withhold the sum which it requires, without again maintaining the extraordinary doctrine which has, notwithstanding, many advocates on this floor, that this House can constitutionally defeat a law, by withholding the appropriation required for its faithful execution. This, however, is not a treaty, but an act which received, (though it may not be deemed to bind us) the sanction of our predecessors.

As I should vote the appropriation, although the act had never existed, so I will lay no further stress upon this argument.

One thing more, and I have done. My colleague has declaimed, with much force, against the danger of Executive encroachments, and the importance of restraining Executive power. Would that he could devise adequate means of guarding against the abuse, without destroying the use, of this essential power of every Government, whether limited or absolute.

My colleague and I shall not differ in the sentiment in which our forefathers united : that it is by the proper separation and distribution of the Executive, Legislative, and Judicial powers of any Government, that a tendency to tyranny can be restrained ; or that this tendency may be hastened, as all experience testifies, by the absorbing influence of the Legislative Department, as well as by Executive encroachment. The value of these principles I was early taught, and cherish as devotedly as my colleague. I must be permitted, if he does not, to deplore the intrinsic difficulty of defining the line of separation between Executive and Legislative power. Their concentration in the same hands, we equally admit to be subversive of political liberty. That which protects us most securely from the abuse of either, is, indeed, happily freed from this danger ; that well defined and unobtrusive authority, which faithfully expounds, and solemnly applies, the Constitution and laws to the protection of our property, our liberty, and our lives. On this safeguard, and the periodical corrective of an Executive as well as Legislative abuse, by the Representative principle, on the virtue and knowledge of those who wield the elective franchise, we have at last to rely for safety and for succor. Even these have proved fallible

correctives. Could my colleague supply a better, could he even guard against the abuse of Executive power, he would entitle himself to immortal praise. He will not find this safeguard, however, should he seek it, as I presume he would on the present occasion, in a destruction of the power itself, nor will this House aid this pursuit, by converting the Legislative Hall into an arena for the tilts of the champions for Presidential Candidates. The authority to apply the public revenue to the construction of roads and canals, so far as this Legislature can enact, and the People sanction it, is now, as a late President affirmed of another often debated question, *res adjudicata*. In this state, his immediate successor found it; and, as such, he has transmitted it to the present incumbent in office, and his advisers. With one of these, especially charged by the Chief Magistrate with the administration of this power, I have long been intimately acquainted, and for him I have long cherished a personal regard, which grew up in times of national calamity. Could I believe him capable of sanctioning the intrigues charged upon the recent exercise of this power, but which, I trust, I have satisfactorily disproved, I would spurn his friendship, had he a diadem to wear, and principalities to bestow.

To facilitate and guide the beneficial use of this power, this appropriation is now required. If stricken from the appropriation bill before us, its loss cannot be otherwise supplied during the residue of the present Session of Congress. The operations of the corps of Topographical Engineers must be suspended, to the utter destruction of the utility of much of their past though unfinished labors; and the prostration of that system of Internal Improvement, which, as it is essential to the commercial prosperity, the common safety, and future Union of these States, I believe to be the most important object to which the attention of this House can, at any time, be called; and, in this, I hope, I ask, to be forgiven, for the use of that portion of it which I have just consumed.

In February, 1796, Mr. Madison, then a leader of the Opposition to the existing Administration, submitted to the House of Representatives, of which he was a member, a resolution, in the following words:

“*Resolved*, That a committee be appointed to report a bill, authorizing the President of the United States to cause to be examined, and, where necessary, to be surveyed, the general route most proper for the transportation of the mail between —, in Maine, and —, in the State of Georgia, and to cause to be laid before Congress



the result of such examination and survey, with an estimate of the expense of rendering such route fit, in all its parts, to be the established route of the post; the expense of such examination and survey to be defrayed out of the surplus revenue of the Post Office."

When this resolution was called up for consideration, and prior to its adoption, he declared it to be but the commencement of an extensive system; and Mr. Baldwin, a leading member from Georgia, also of the Opposition, sustained it on the ground that the several States should not be required to make those roads which the necessities of the Union required, and which the Government of the United States, possessing the means, should be regarded as bound to make.

In his opening message at the second session of the last Congress of Mr. Madison's Presidency, he expressed no sentiment at war with that opinion, as the following clause of that message demonstrates:

"The importance which I have attached to the establishment of a University within this District, on a scale, and for objects worthy of the American nation, induces me to renew my recommendation of it to the favorable consideration of Congress. And I particularly invite, again, their attention to the expediency of exercising their *existing* powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity."

In putting his constitutional veto on the subsequent bill which Mr. Calhoun introduced into the House of Representatives, creating a fund for internal improvement, similar to that which Virginia had established, Mr. Madison surprised his friends in the House, but did not contradict the opinions on which his resolution and prior message was founded. He did not deny the authority of Congress to construct post roads. The communication between Washington and Richmond, therefore, by Fredericksburg, being part of the road from Georgia to Maine, as well as part of the Metropolitan route from Washington to New Orleans, may claim for its recent survey, the authority of his opinion in its favor, unless that opinion has undergone a change, not hitherto manifested, since 1796, when he could not have been disposed to *enlarge* the *Executive power* of the Federal Government.